

BEST AVAILABLE COPY**III. REMARKS**

Claims 1-35 are pending in this application. By this amendment, claims 1, 27 and 35 have been amended. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

Entry of this Amendment is proper under 37 C.F.R. 1.116(b) because the Amendment: (a) places the application in condition for allowance as discussed below; (b) does not raise any new issues requiring further search and/or consideration; and (c) places the application in better form for appeal. Accordingly, Applicants respectfully request entry of this Amendment.

In the Office Action, claims 1, 3-28, 30 and 32-35 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Van Horn (U.S. Patent No. 6,631,356), hereafter "Van Horn" in view of Arnold *et al.* (U.S. Patent No. 5,987,423), hereafter "Arnold." Claims 2, 29 and 31 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Van Horn in view of Arnold and further in view of Official Notice. This rejection is respectfully traversed for the reasons stated below.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim

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limitations. Applicants respectfully submit that the Van Horn and Arnold references, taken alone or in combination, fail to meet each of the three basic criteria required to establish a *prima facie* case of obviousness. As such, the rejection under 35 U.S.C. 103(a) is defective.

Specifically, Applicants assert that the combined references cited by the Office fail to teach or suggest each and every feature of the claimed invention. For example, with respect to independent claim 1, Applicants submit that the cited references fail to teach or suggest, *inter alia*, "...a unit setting module configured to allow setting membership of at least one item unit with related item units in at least one first group unit in the purchase order," and similarly claimed in claim 27 as "...organizing an item available for purchase into an item unit with other items of a particular kind and at least one first group unit in the purchase order," and in claim 35 as "...an administration module configured to allow organization of each item into at least one group unit with related items in the purchase order." As stated by the Office, the Van Horn reference does not explicitly teach a unit setting module configured to allow setting membership of at least one item unit with related item units in at least one first group unit. The Office instead relies on Arnold, which teaches a reusable object oriented framework that uses a set of Order Management objects, Sales Order Processing objects and Purchase Order Processing objects to form an order processing shell. Col. 2, lines 42-53. A Purchase Order Processing object in the Arnold framework contains various categories, including a Purchase Price and Discount Groups category that associates prices and discounts with products, suppliers, and units. Col. 16, lines 1-9; col. 18, lines 50-53. Arnold teaches that the Purchase Price and Discount Groups category contains four native classes: a Purchase Discount type class that specifies the type of group discount, i.e., volume purchasers; a Supplier Purchase Discount Group class that collects

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suppliers for which the same discount applies; a Product Purchase Discount Group class that collects products for which the same discount applies; and a Purchase Price Group class that collects products for which the same prices apply. Col. 18, lines 50-67. These classes in the Purchase Price and Discount Groups category form a data resource that is searched by a Purchase Order Processing method in Arnold to retrieve the purchase price and discount, if applicable, for a product. Col. 23, lines 19-28. However, nowhere does Arnold teach that the products are grouped together in the purchase order itself. In contrast, the present invention includes "...a unit setting module configured to allow setting membership of at least one item unit with related item units in at least one first group unit in the purchase order." Claim 1. As such, the first group unit in the claimed invention is not merely used as a data resource for searching in order to determine which discount applies for a particular product, but rather is configured, *inter alia*, to allow setting membership of at least one item unit with related item units in at least one first group unit in the purchase order. For example, a group unit may include an item unit in which the items are electrical outlets and an item unit in which the items are switches. Thus, the Purchase Price and Discount Groups category in Arnold is not equivalent to the unit setting module as included in the claimed invention. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

With further respect to independent claims 1, 27 and 35, Applicants submit that the cited references fail to teach or suggest "...a discount rule module configured to allow setting at least one discount threshold for each first group unit in the purchase order," and similarly claimed in claim 27 as "...setting at least one discount threshold for each item unit and each first group unit in the purchase order," and in claim 35 as "...a discounter including a calculator configured to: i)

determine a next discount threshold for each group unit in the purchase order.” The online buying group in Van Horn does not determine a discount threshold for a group of different items types, but only for a particular product. Abstract. Furthermore, as argued above, the Purchase Price and Discount Groups Category in Arnold is used to group products that have the same discount into a searchable data resource. Col. 23, lines 19-28. Nowhere does Arnold teach that its Purchase Price and Discount Groups Category is used to calculate discount based on a group of item types. The claimed invention, in contrast, includes “...a discount rule module configured to allow setting at least one discount threshold for each first group unit in the purchase order.” Claim 1. As such, in the current invention, at least one discount threshold may be set for a group unit of item types in the purchase order, not simply a particular product as in Van Horn or a product as in Arnold. For the above reasons, the discount rule module as included in the claimed invention is not equivalent to either the Purchase Price and Discount Groups category of Arnold or the buying group of Van Horn. Accordingly, Applicants request that the rejection be withdrawn.

With still further respect to independent claim 35, Applicants submit that the cited references fail to teach or suggest, *inter alia*, “...an estimator configured to allow a user to select multiple items to attain a total price quote for an order.” As stated above, Van Horn allows a buying group to purchase a particular product. Abstract. Arnold, likewise, teaches that the source initiating the creation or updating of a Purchase Order must provide sufficient information to specify the Product and Supplier involved. Neither reference, however, discloses allowing a user to select multiple items to attain a total price quote for an order. In contrast, the claimed invention includes “...an estimator configured to allow a user to select multiple items to attain a

total price quote for an order." Thus, even though the cited references may allow a purchaser to select a single particular product or to provide sufficient information for a particular product, neither reference allows a user to select multiple items to attain a total price quote for an order. Accordingly, Applicants request that the Office's rejection be withdrawn.

With regard to the 35 U.S.C. §102(b) rejection of claims 2, 29 and 31 over Van Horn and Arnold and further in view of Official Notice, Applicants asserts that the Office's factual assertion is not properly base upon common knowledge. For example, Applicants assert that a calculator that is configured to determine an allocation of volume of an item unit amongst the first group units to achieve a minimized total price when an item unit is a member of more than one first group unit is not obvious to one skilled in the art as asserted by the Office. Accordingly, Applicants respectfully request that the Office support the finding with references that show these features.

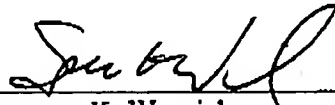
With regard to the Office's other arguments regarding dependent claims, Applicants herein incorporate the arguments presented above with respect to independent claims listed above. In addition, Applicants submit that all dependant claims are allowable based on their own distinct features. However, for brevity, Applicants will forego addressing each of these rejections individually, but reserve the right to do so should it become necessary. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

IV. CONCLUSION

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,

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